

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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KAY BEER DISTRIBUTING, INC.,

Plaintiff,

v.

Case No. 07-C-1068

ENERGY BRANDS, INC.,  
CADBURY SCHWEPPE'S BOTTLING  
GROUP, INC., and  
THE AMERICAN BOTTLING COMPANY,

Defendants.

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**ORDER**

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Based on the stipulation of the parties, **IT IS HEREBY ORDERED** as follows:

1. This matter is referred to Magistrate Judge James R. Sickel for mediation. Magistrate Judge Sickel is directed to contact the parties and arrange the mediation as soon as calendars of the parties and Magistrate Judge Sickel reasonably allow. The case shall be returned to me following the mediation effort for further action consistent with the result.
2. Plaintiff Kay Beer Distributing is to provide its Rule 26(a)(2) expert disclosures on or before April 20, 2009.
3. Defendant Energy Brands is to provide its Rule 26(a)(2) expert disclosures on or before June 4, 2009.
4. All fact and expert discovery in this case shall be completed by July 3, 2009.
5. The clerk is directed to set this matter on the Court's calendar for trial as soon after July 3, 2009, as the calendars of the parties and the Court reasonably allow. The court has considered

Defendant's request to postpone trial until after March 15, 2010. While the Court is sympathetic to Ms. McCauley's situation, the length of delay requested is simply too long given the posture of the case. The parties estimate that it will take two to three days to try the case, and thus it does not seem overly complicated. Motion practice has significantly narrowed the issues so that it should not be a hardship for a defendant if another attorney is required to take on the matter.

6. Finally, Defendant has indicated that it believes that Plaintiff has waived its right to a jury trial. In the event Defendant intends to move the Court to strike Plaintiff's jury demand, the motion should be filed no later than May 1, 2009.

Dated this 10th day of March, 2009.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge